

Exhibit 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

In Re SAV-RX Data Breach Litigation

Chief Judge Robert F. Rossiter, Jr.

8:24CV204 (Lead Case)

Member Cases:

8:24CV205
8:24CV206
8:24CV210
7:24CV5005
8:24CV214
8:24CV215
8:24CV216
4:24CV3109
8:24CV218
8:24CV228
8:24CV229
8:24CV261
8:24CV264

**DECLARATION OF TERENCE R. COATES IN SUPPORT OF COORDINATED
PLAINTIFFS' MEMORANDUM IN SUPPORT OF THEIR MOTION FOR
APPOINTMENT OF INTERIM CLASS COUNSEL**

I, Terence R. Coates, hereby state that the following is true and accurate and based on my personal knowledge:

1. I am the managing partner of the law firm Markovits, Stock & DeMarco, LLC (“MSD”).

Additional Background

2. I am a frequent speaker for the plaintiffs’ perspective on recent trends in data privacy class action cases having participated as a panel speaker The Sedona Conference Working Group 11 Midyear Meeting 2022 “Emerging issues in privacy and cybersecurity class action litigation” in Cleveland, Ohio on November 3, 2022; Trial Lawyers of Mass Tort’s conference in

Big Sky, Montana in March 2023; the NetDiligence cybersecurity summit in Ft. Lauderdale, Florida in February 2023; the Beazley Insurance national conference in Ft. Lauderdale, Florida in March 2023; the JAMS roundtable for selecting mediators in September 2023; Trial Lawyers of Mass Tort's conference in Cabo, Mexico in December 2023; and Class Action Money & Ethics Conference in New York, New York in May 2024.

3. Federal courts have recognized me and my firm as experienced in handling complex cases including class actions. *Shy v. Navistar Int'l Corp.*, No. 3:92-CV-00333, 2022 WL 2125574, at *4 (S.D. Ohio June 13, 2022) (“Class Counsel, the law firm Markovits, Stock & DeMarco, LLC, are qualified and are known within this District for handling complex cases including class action cases such as this one.”); *Bechtel v. Fitness Equip. Servs., LLC*, 339 F.R.D. 462, 480 (S.D. Ohio 2021) (“plaintiffs’ attorneys have appeared in this Court many times and have substantial experience litigating class actions and other complex matters.”); *Schellhorn v. Timios, Inc.*, No. 2:221-cv-08661, 2022 WL 4596582, at *4 (C.D. Cal. May 10, 2022) (noting that Class Counsel, including “Terence R. Coates of Markovits, Stock & DeMarco, LLC, have extensive experience litigating consumer protection class actions”); *Bedont v. Horizon Actuarial Services, LLC*, No. 1:22-CV-01565, 2022 WL 3702117, at *2 (N.D. Ga. May 12, 2022) (noting that class counsel, including Mr. Coates, “are well qualified to serve as Interim Co-Lead Class Counsel and that they will fairly, adequately, responsibly, and efficiently represent all Plaintiffs in the Cases in that role.”).

SAV-RX’s Data Breach & Proposed Plaintiffs’ Leadership Committee’s Efforts to Date

4. I am counsel of record for Plaintiff Heather Krueger (Case No. 8:24cv206; filed on June 5, 2024).

5. Before filing the *Krueger* complaint, my firm reviewed certain state attorney generals' websites to gain additional information regarding Defendant A&A Services, LLC dba SAV-RX's Data Breach. We also vetted Ms. Krueger's potential claims, reviewed her data breach notice letter, and researched SAV-RX's business model.

6. In speaking with other members of Plaintiffs' Counsel and the proposed members of Proposed Plaintiffs' Leadership Committee, I understand that counsel investigated the Data Breach before filing the Related Actions including analyzing the Data Breach and the circumstances surrounding it, interviewing individuals impacted by the Data Breach, researching potential causes of action, drafting initial pleadings and any statutory notices, and working to organize Plaintiffs and their counsel to consolidate the Related Actions to efficiently move this litigation forward.

7. Proposed Plaintiffs' Leadership Committee worked diligently and quickly to organize Plaintiffs. In furtherance of these efforts, Proposed Plaintiffs' Leadership Committee drafted the motion to consolidate and shared the draft with Plaintiffs' counsel and Defendant's counsel for editing and approval. Through Proposed Plaintiffs' Leadership Committee's efforts, the motion to consolidate was able to be presented to the Court as an unopposed motion.

8. I have experience in working with SAV-RX's current legal counsel in other data privacy matters where, like here, I was representing the plaintiffs and SAV-RX's counsel was representing the defendant. I believe this previous experience in working with opposing counsel will assist in the efficient litigating of this case.

9. After the filing of the motion to consolidate, Proposed Plaintiffs' Leadership Committee spent substantial efforts to create a consensus group. Proposed Plaintiffs' Leadership

Committee's efforts were conducted with the intention of avoiding competing leadership applications that might cause delay in efficiently proceeding in this matter.

10. Proposed Plaintiffs' Leadership Committee's efforts in building a consensus leadership slate that gained outright approval from 12 out of the 14 cases (85.7% of cases and 13 of the 15 named plaintiffs) were largely successful and resulted in a six-person committee with the experience and resources to prosecute this Data Breach that has impacted millions of individuals. I had several discussions with Bryan Thompson about proposed leadership structures in this case. Mr. Thompson advised me that he generally supported Proposed Plaintiffs' Leadership Committee and indicated that all six attorneys named in Proposed Plaintiffs' Leadership Committee are qualified, but that he intended to file his own application in addition to Coordinated Plaintiffs' application. These discussions were professional.

11. Each firm comprising Proposed Plaintiffs' Leadership Committee understands the commitment necessary to efficiently and diligently prosecute this case on behalf of Plaintiffs and the putative Class. Proposed Plaintiffs' Leadership Committee possess the time, energy, and skill necessary to lead this litigation and all have committed the resources required to ensure the effective and efficient representation of the putative Class Members. Proposed Plaintiffs' Leadership Committee have already expended significant time and effort in investigating the Data Breach, communicating with individuals impacted by the Data Breach, researching and drafting complaints, and coordinating with Plaintiffs' counsel and Defendant's counsel to consolidate all 14 Related Actions.

Proposed Plaintiffs' Leadership Committee's Plans for Prosecuting this Case

12. Proposed Plaintiffs' Leadership Committee will also establish a system to pay assessments proportional to the needs of the case to ensure that this case is properly funded. This will permit Plaintiffs to pursue the best result under the circumstances of this case. Proposed Plaintiffs' Leadership Committee will establish a standardized protocol for managing and reporting time and expenses incurred.

13. I have worked with each member of Proposed Plaintiffs' Leadership Committee in other cases and understand their competence in data privacy cases such as this one. We have strong working relationships with each other that will aid and benefit the Class. We understand that consolidating the Related Actions and then self-coordinating to build a consensus leadership slate promotes the Class's interests of being lead competent legal counsel who are well coordinated.

14. Proposed Plaintiffs' Leadership Committee have not made any agreements with each other with respect to funding, cost-sharing, pooling clients, fees, or any other matter. Proposed Plaintiffs' Leadership Committee understand that they will be required to make contributions to fund the litigation, and they will not accept any third-party funding to do so.

15. Proposed Plaintiffs' Leadership Committee have every intention to zealously litigate this case while efficiently pursuing this matter and seeking to avoid any duplication of work. Proposed Plaintiffs' Leadership Committee have already discussed using their diverse skills and unique experiences for the efficient prosecution and management of this litigation, while avoiding unnecessary and duplicative billing.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 5, 2024, at Cincinnati, Ohio.

/s/ Terence R. Coates
Terence R. Coates